

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREGORY THOMAS,

Plaintiff,

v.

DOUG WADDINGTON *et al.*,

Defendants.

Case No. C05-5495RBL

ORDER DIRECTING PLAINTIFF TO
RE-NOTE HIS MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). The plaintiff has been granted leave to proceed *in forma pauperis*. (Dkt. # 10). The Court has just ordered this action served on 10 of the 11 named defendants. Plaintiff's motion for a temporary restraining order and preliminary injunction goes directly to the merits of this action and is premature.

In this action plaintiff alleges a denial of adequate medical care for a bunion and hammer toe condition and he asks the court to order the defendants to pay for a surgery to correct the conditions. *See*, proposed complaint and motion for injunctive relief. (Dkt. # 1 and 5). The motion for injunctive relief asks the court to order the defendants to provide for a course of medical treatment "designed

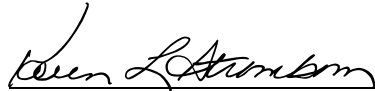
1 to repair the foot and maintain full function of his feet.” (Dkt. # 5, page 1).

2 Plaintiff also asks the court to order an independent medical evaluation take place and that
3 defendants obtain a prescription “for a course of surgical intervention that will stop persistent pain
4 and restore full function of his feet.” (Dkt. # 5, page 2). Thus, the relief sought in the motions goes
5 directly to the merits of this action, the adequacy of the medical treatment provided.

6 As the case has just been ordered served and the defendant’s have not yet appeared, the
7 motion for injunctive relief of this nature is premature. The court **ORDERS**:

- 8 1. Plaintiff may re-note his motions for injunctive relief after a defendant has been served
9 or has otherwise entered a notice of appearance.
- 10 2. The clerks’s office is directed to remove the motion, (Dkt. # 5), from the court’s
11 calender.

12 DATED this 26th day of September, 2005.

13
14
15
16
17 

18 Karen L. Strombom
19 United States Magistrate Judge
20
21
22
23
24
25
26
27